

## **CASCADE COUNTY PLANNING BOARD**

PLANNING STAFF: Report and Recommendations

REGARDING: Planning Board Public Meeting on October 29, 2019

SUBJECT: Preliminary Plat of Shumaker Minor Subdivision

### **GENERAL INFORMATION**

APPLICANT: Doris Shumaker

PROPERTY LOCATION: This proposed subdivision is located at the intersection of Sections 25, 26, 35, & 36, Township 21 North, Range 2 East, P.M.M. Cascade County, Montana.

EXISTING ZONING: Light Industrial (I-1)

REQUESTED ACTION: Review of Minor Subdivision Preliminary Plat

PURPOSE: To create three (3) lots

EXISTING LAND USE: Undeveloped

SURROUNDING USE: West: Single-family Residential  
North: Interstate 15  
East: Birky Tracts, Commercial/Industrial  
South: Vaughn South Frontage Rd, and Residential

### **SPECIAL INFORMATION**

1. The Planning Board is in receipt of an application from Doris Shumaker for a recommendation to the Cascade County Commissioners on a minor subdivision preliminary plat.
2. Attached is a copy of the minor plat, which will subdivide 104.394 acres into three (3) lots 25.093, 27.967, and 51.335 acres and lift an existing Agricultural Covenant placed on the property by Certificate of Survey
3. Access to Lots 2 and 3 will be granted via a shared approach off Vaughn South Frontage Road and Lot 1 will be served by a separate approach from the same road.
4. Based on trip generation factors available from the Institute of Transportation Engineers, Lots 1 and 2 are anticipated as commercial or light industrial businesses that are estimated to generate approximately 32 trips per day, and Lot

3 is anticipated to be a commercial shop with an attached residence that is estimated to generate 17 trips per day. The overall proposed subdivision will add approximately 50 vehicle trips per day. The analysis of the trip generation does not indicate that there would be a significant impact to the Level of Service on Vaughn South Frontage Road.

5. The parkland requirement is waived due to the land being subdivided into parcels that are non-residential pursuant to 76-3-621(3)(b) MCA.
6. The proposed subdivision will receive law enforcement services from the Cascade County Sheriff's Office and fire protection services from the Vaughn Volunteer Fire Department, likely to be serviced by the nearby Manchester Station. Response time will be dictated by weather and road conditions.
7. There are no delinquent taxes on this property.
8. An Environmental Assessment is not required for a first-time minor subdivision pursuant to 76-3-609 (2)(d)(i) MCA.
9. The property is not located in a regulated floodplain.
10. The project is exempt from onsite fire cistern requirements per 10-15(E) of the Cascade County Subdivision Regulations, as fire protection measures are only needed when creating four (4) or more lots, or in subsequent minor subdivisions of three (3) or more lots.
11. Pursuant to 76-3-605, MCA a public hearing is not required for this first minor subdivision.
12. Legal notice of this proposed subdivision was sent to surrounding property owners on October 9, 2019.
13. Interested Agencies were provided with notification letters and a request for comments on October 9, 2019. No comments have been received at the time of writing this report.
14. The project is located in the Wild Land Urban Interface as determined by the *Community Fire Plan Wild Land-Urban Interface for Cascade County*. The property is classified as a moderate fire risk hazard and does not necessitate further development standards.
15. The project lies outside of the Height Military Overlay District. (HMOD)

## **CONCLUSION**

This proposed subdivision meets the requirements of the Cascade County Subdivision Regulations, as well as Montana's Subdivision and Surveying Laws and Regulations.

## **RECOMMENDATIONS**

The following motions are provided for the Board's consideration:

"I move to recommend to the Cascade County Commission, after consideration of the Staff Report and Findings of Fact, that the Shumaker Minor Subdivision Preliminary Plat, be **denied**;

or

"I move to recommend to the Cascade County Commission, after consideration of the Staff Report and Findings of Fact, adopt said Staff Report and Findings of Fact and **approve** the Shumaker Minor Subdivision Preliminary Plat subject to the following conditions:

1. Having the developer's surveyor correct any errors or omissions on the preliminary plat;
2. Causing to be prepared certificates of title of the land in the subdivision to be recorded in conjunction with the final plat;
3. Submitting with the plat a certificate of a title abstracter showing the names of the owners of record of the land and the names of lien holders or claimants of record against the land (MCA 76-3-612).
4. Causing to be recorded in conjunction with the final plat a Shared Approach Agreement for Lots 2 and 3.
5. Obtaining approval of the existing field approach providing access to Lot 1 from Montana Department of Transportation, or providing alternate access to Lot 1 via an internal subdivision road through the shared approach.
6. Design, construction, inspection, and certification, by a licensed professional engineer, of all roads used for physical and legal access to Cascade County Subdivision Road Specification, as well as the purchase and installation of all required street signs and stop signs. All of the above is to be completed prior to the approval of the final plat. This condition is only necessary if a separate approach cannot be obtained for Lot 1 and condition 5 mandates alternate access.
7. Causing to be recorded in conjunction with the final plat, an agreement requiring

property owners of each subdivision tract to take part in any Rural Special Improvement District (RSID) for the reconstruction, improvement or perpetual maintenance of any road that can be used to access these lots as determined by Cascade County, provided that all other property owners served by said road share equitably in such an RSID. This waiver will expire 20 years after the date the final plat is filed with Cascade County. This statement of waiver shall be placed on the final plat.

8. Causing to be recorded on the plat a statement concerning limited public services.
9. Causing to be recorded on the plat a statement concerning proximity to agricultural activities.
10. Pursuant to 7-22-2152 M.C.A., submitting a written plan to the Cascade County Weed and Mosquito Board specifying the methods for weed management procedures with regards to this development.
11. Obtain Certificate of Subdivision Approval from Montana Department of Environmental Quality or City-County Health Department.
12. A copy of the MDEQ General Discharge Permit for Stormwater associated with construction activity shall be submitted prior to final plat approval, if applicable.

Attachments: Findings of Fact

Subdivision – Preliminary Plat Application

cc: Doris Shumaker  
Kevin May, BSC&E